



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No. CDS-226 **B 1637**

Application of: Thomas J. Cummins et al.

Confirmation No.: 1041

Application No.: 09/675,828

Group No.: 1637

Filed: September 29, 2000

Examiner: T.E. Strzelecka

For: DIAGNOSTIC COMPOSITIONS, ELEMENTS, METHODS AND TEST KITS FOR  
AMPLIFICATION DETECTION OF TWO OR MORE DNA'S USING PRIMERS HAVING  
MATCHED MELTING TEMPERATURES

**CERTIFICATION UNDER (37 C.F.R. § 1.8(A))**

I hereby certify that, on the date shown below, this correspondence is being:

**Mailing**

☒ deposited with the United States Postal  
Service with sufficient postage as first class  
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Date: May 23, 2005

**Facsimile**

☐ transmitted by facsimile to the  
Patent and Trademark Office.

Signature: *CKGowen*

Catherine Kurtz Gowen

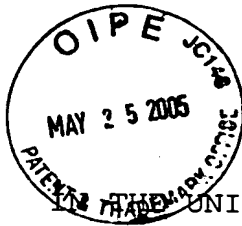
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR COPIES OF COMPLETED FORM PTO-1449**

1. The Notice of Allowability mailed on March 11, 2005 has been received.
2. An Information Disclosure Statement and Form PTO-1559 were filed on June 5, 2002. However, the references cited were not initialed by the Examiner nor returned to the Applicants.
3. It is respectfully requested that a copy of the completed June 5, 2002 Form PTO-1449 be furnished to the undersigned.

*CKGowen*  
Catherine Kurtz Gowen  
Reg. No. 32,148

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
Tel: (732) 524-2681  
Date: May 23, 2005  
Customer No. 000027777



DOCKET NO. CDS-226

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas J. Cummins

Serial No.: 09/675,828

Art Unit: 1656

Filed : September 29, 2000

Examiner: T. Strzelecka

For : DIAGNOSTIC COMPOSITIONS, ELEMENTS, METHODS AND  
TEST KITS FOR AMPLIFICATION AND DETECTION OF TWO  
OR MORE DNA'S USING PRIMERS HAVING MATCHED  
MELTING TEMPERATURES

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope addressed  
to: Commissioner For Patents, Washington, D.C. 20231 on

June 5, 2002

(Date of Deposit)

Catherine Kurtz Gowen

(Name of applicant, assignee, or Registered Representative)

*C. Kurtz Gowen*

(Signature)

June 5, 2002

(Date of Signature)

Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37  
C.F.R. §§1.97-1.98, information relating to the above-  
identified application is hereby disclosed. Inclusion of  
information in this statement is not to be construed as an  
admission that this information is material as that term is  
defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☐ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/ /  
the fee of \$180.00 as set forth in §1.17(p).

☒ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☒ Please charge Deposit Account No. 10-0750/CDS-22/CKG the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☒ Copies of references listed on the attached Form PTO-1449 are not enclosed herewith because copies of all references were provided in the parent application Serial No. 08/062,023 issued on January 16, 2001 as US Patent No. 6,174,668 B1:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that

these references are available to the Examiner, copies are not enclosed herewith.

☒ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ There are no listed references which are not in the English language.


☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/CDS-226/CKG. This form is submitted in triplicate.

Respectfully submitted,

  
Catherine Kurtz Gowen  
Reg. No. 32,148  
Attorney for Applicants

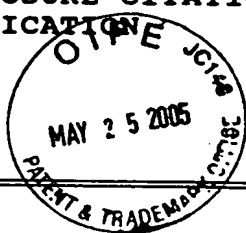
Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2681  
DATED: June 5, 2002

Form PTO-1449

Docket No. CDS-226

Serial No.  
09/675,828
**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION**

Applicant Thomas J. Cummins, et al.

Filing Date  
September 29, 2000Group Art Unit  
1656
**U.S. PATENT DOCUMENTS**

Exam'r Init.	Document No.	Date	Name	Class	Sub Class	File Date
	4683195	7/28/87	Mullis et al.	435	6	2/7/86
	4683202	7/28/87	Mullis	435	91	10/25/85
	4965188	10/23/90	Mullis et al.	435	6	6/17/87
	4889818	12/26/89	Gelfand et al.	435	194	6/17/87
	5173260	12/22/92	Zander et al.	422	57	1/10/91
	5008182	4/16/91	Sninsky et al.	435	5	8/15/89
	5176995	1/5/93	Sninsky et al.	435	6	8/15/89
	5147777	9/15/92	Sutton et al.	435	5	6/18/90
	4800159	1/24/89	Mullis et al.	435	172.3	12/17/86

**FOREIGN PATENT DOCUMENTS**

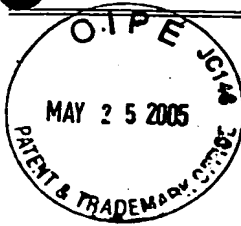
Exam'r Init.	Document No.	Date	Country	Class	Sub Class	Translate Yes No
	90/08840	8/9/90	PCT	C12Q 1/68	G01N33/ 538	
	92/16659	10/1/92	PCT	C12Q 1/68	G01N33/ 543	
	435150A3	12/19/90	EPO	C12Q 1/68	C07H21/ 04	
	516540A1	5/27/92	EPO	C12Q 1/70	C12Q1/ 68	
	481215A1	9/11/91	EPO	C12Q 1/68	C12Q1/ 70	

**OTHER REFERENCES (include author, title, date, pertinent pages, etc.)**

✓	Medjar et al., J. Virol. Meth., 35, pp. 297-304 (1991)
✓	Jackson et al., N. England J. Med., 322 (4), pp. 217-222 (1990)
✓	PCR Protocols: A Guide to Methods & Applications Chp. 40, Kellog & Kwok, Academic Press 1990

Examiner	Date Considered
Examiner: Initial. * citation considered whether or not citation is in conformance with MPEP 1609. Draw line through	

Form PTO-1449

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

Docket No.

CDS-226

Serial No.

09/675,828

Applicant

Thomas J. Cummins, et al.

Filing Date

September 29, 2000

Group Art Unit

1656

## U.S. PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Name	Class	Sub Class	File Date
	5079351	1/7/92	Sninsky et al.	536	27	11/26/86
	5196305	3/23/93	Findlay et al.	435	6	9/12/89

## FOREIGN PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Country	Class	Sub Class	Translate Yes No	
	469610A1	8/1/91	EPO	C120 1/68	C1201/ 70		
	0511712A1	4/24/92	EPO	C120 1/68	C1201/ 70		

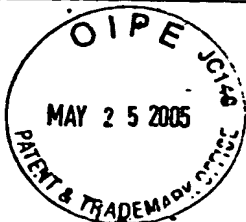
## OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

	Hewlett et al., Oncogene, 4, pp.1149-51 (1989)
	Coutlee et al., Molecular & Cellular Probes, 3, pp.241-259 (1991)
	Chow, J.Clin. Microbiol., 30(9), pp.2307-2310 (1992)

Examiner

Date Considered

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

<p>Form PTO-1449</p> <p>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</p>		<p>Docket No. CDS-226</p>	<p>Serial No. 09/675,828</p>
		<p>Applicant Thomas J. Cummins, et al.</p>	
		<p>Filing Date September 29, 2000</p>	<p>Group Art Unit 1556</p>

U.S. PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Name	Class	Sub Class	File Date

FOREIGN PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Country	Class	Sub Class	Translate Yes      No	

OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

✓		Frank et al., Modern Pathology, 5(4), pp.449-454 (1992)
		Sokol et al., J. Clin. Microbiol., 30(4), pp.839-844 (1992) (1991)
✓		Brytting et al., J. Viro. Methods, 32, pp. 127-138 (1991)

<p>Examiner</p>	<p>Date Considered</p>
<p>Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.</p>	

Form PTO-1449

Sheet - 2

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATIONDocket No.  
CDS-226Serial No.  
09/675,828Applicant  
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1656

## U.S. PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Name	Class	Sub Class	File Date

## FOREIGN PATENT DOCUMENTS

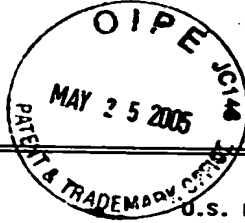
Exam'r Init.	Document No.	Date	Country	Class	Sub Class	Translate Yes No

## OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

		Demmler et al., J. Infect. Diseases, 158(6), pp. 1177-1184 (1988)
		Porter-Jordan et al., J. Med. Virol., 30, pp. 85-91 (1990)
		Fenner et al., J. Clin. Microbiol., 29(11), pp. 2621-2622 (1991)

Examiner	Date Considered
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	

Form PTO-1449

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

Docket No. CDS-225

Serial No. 09/675,828

Applicant Thomas J. Cummins, et al.

Filing Date

September 29, 2000

Group Art Unit

1656

U.S. PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Name	Class	Sub Class	File Date

## FOREIGN PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Country	Class	Sub Class	Translate Yes No	

## OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

	Hsia et al., J. Clin. Microbiol., 27(8), pp. 1802-1809 (1989)
	Gibbs et al., Genomics, 7, pp. 235-244 (1990)
	Mullis et al., Cold Spr. Hrb. Syn. L1; pp. 263-273 (1986)
	Matthews et al., Anal. Biochem., 169, pp. 1-25 (1988)
	Spaete et al., Virology, 167, pp. 207-225 (1988)
	Vandenvelde et al., J. Virol. Metho., 30, pp. 215-228 (1990)

Examiner

Date Considered

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